



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, FEBRUARY 28, 2011

Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811**

EXECUTIVE SESSION6:00 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144

TTY users dial 7-1-1 in the State of Maryland

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, February 28, 2011**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on February 14, 2011
2. Presentation – Mr. Michael Franklin, Atlantic General Hospital
3. Michael Day – Best of Awards from Maryland LLC
4. Request for EDU – 500 Franklin Ave Associates, LLC
5. Easement – 104 Pitts Street
 Request for Approval of Allocation Agreement
6. Agreement with Worcester Youth and Family Counseling
7. URS Corporation – Amendment to Engineering Services
8. Motion to Approve - Demonstration Stormwater Management System
 This grant application was submitted to Maryland Coastal Bays on February 25,
 2011.
9. Departmental Reports
 - a. Finance
 - b. Deputy Town Administrator
 - c. Public Works
 - d. Water Resources
 - e. Electric
 - f. Police
 - g. Planning and Zoning
 - h. Human Resources
 - i. Economic and Community Development
10. Town Administrator's Report
11. Comments from the Mayor
12. Comments from the Council
13. Comments from the Public

14. Comments from the Press

15. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, February 14, 2011

The meeting of the Mayor and Council for Monday, February 14, 2011 was called to order by Mayor Williams at approximately 7:10 p.m. Council Members Lynch, Purnell, Hall were present, as well as Town Administrator Tony Carson, Director of Community and Economic Development Michael Day, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter, Town Attorney David Gaskill, Electric Utility Director Tim Lawrence, Administrative Assistant Sharon Timmons, Public Works Director Mike Gibbons, Deputy Town Administrator Mary Bohlen and Human Resources Director Jeff Fleetwood. Councilmembers Burrell and Brittingham, Planning and Zoning Director Chuck Ward and Police Chief Arnold Downing were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Regular Session Minutes of January 24, 2011. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 3-0. Mayor Williams asked for approval of the Executive Minutes of January 24, 2011. Councilmember Hall made a motion to approve the minutes and council voted to approve 3-0. Mayor Williams stated that the Executive Session of January 24th was closed to discuss the acquisition of real property for a public purpose and a personnel matter.

Mayor Williams then asked for approval of the Executive Minutes from January 31, 2011. Councilmember Hall made a motion to approve the minutes and council voted to approve 3-0. Mayor Williams stated that the Executive Session of January 31st was closed to discuss the acquisition of real property for a public purpose, a personnel matter and a proposal for a business.

Mayor Williams asked for approval of the minutes from the Special Session held on February 9, 2011. Mayor Williams asked that the spelling of the word "Humphries" be corrected to "Humphreys" in the minutes. Councilmember Lynch made a motion to approve the minutes with the correction and council voted 3-0 to approve. Mayor Williams then asked for approval of the Special Executive minutes from February 9, 2011. Councilmember Hall made a motion to approve the minutes and council voted to approve 3-0. Mayor Williams stated that the Executive Session of February 9th was closed due to discuss a personnel matter.

Economic and Community Development Director Michael Day came before the council for the approval of the Special Event known as Spring Celebration to be held on April 23rd. Mr. Day stated that there would be no changes from years past. Councilmember Hall made a motion to approve the event and council voted 3-0 to approve.

Mayor Williams announced the Public Hearing for Resolution 2011-01 regarding the proposed annexation of the lands of Derrickson Enterprises LLC located at the southeast corner of Route 113 and Germantown Road. Town Attorney David Gaskill read the opening paragraph. Mayor Williams opened the Public Hearing and asked if there was anyone from the State or County who wished to make any comments. There being none, he proceeded to ask if anyone from the public wished to make comments. Attorney Joe Moore and Mr. John Derrickson approached the council. Mr. Moore spoke to the council requesting passage of Resolution 2011-01 which would annex the 7 acres of Derrickson LLC which has been approved by the Maryland Department of Planning. The annexation would remain under a 45 day period in the case a referendum take place if 20% of the residents in the area were to petition the proposed annexation. Mr. Moore stated that there are no residents in the area. Mr. Moore stated that the report of annexation plan was submitted to show what was proposed for the annexed

property and its compatibility with the Comprehensive Plan of the Town of Berlin, that it complied with the Municipal Growth Element and was contiguous with the Town boundaries. The zoning for the property is proposed to be B-3. The uses for the property would be a commercial Laundromat at the existing building and a convenience store facility at the area adjacent. A request for an allocation of 12 EDU's, 7 for the Laundromat and 5 for the convenience store was made. Mr. Moore submitted the following exhibits: Report of Annexation, Metes and Bounds Description, the existing zoning in the county and the Town of Berlin zoning along with the letter from Commissioner President James Church stating that the annexation had been reviewed and approved by the County Commissioners. Councilmember Lynch inquired on the various locations of businesses on the property. She then inquired if the annexation would include Germantown Road for the purpose of maintenance by the Town. Mr. Moore stated that the proposed annexation did not include Germantown Road and that he would clarify this over the 45 day period. There being no further questions or comments, Mayor Williams asked for a motion on Resolution 2011-01. Councilmember Purnell made a motion to approve Resolution 2011-01 as submitted and council voted to approve 3-0.

Bryan Brushmiller, owner of Burley Oak Brewing Company came before the council to request the council ask for a legislative change in the microbrewery law at a local level which would allow a microbrewery to operate with a Class D license. The change would enable the microbrewery to serve pints of beer and growlers without a restaurant on premise. Currently, Worcester County has a Class D license, but not the Town of Berlin. Discussion continued. Councilmember Hall made a motion to request a change in the legislative law allowing a Class D license in the Town of Berlin to endorse the microbrewery and council voted 3-0 to approve.

Departmental reports began with Finance Director Lynn Musgrave reporting that work was being started on the FY12 budget and that a new account had been set up for the slot revenues. She continued her report by explaining that there had been a computer issue involving the posting of payments and some residents had received cut off letters in error.

Public Works Director Mike Gibbons reported that he would be attending a seminar regarding pavement preservation.

Water Resources Director Jane Kreiter reported she had completed the flow reports and that the town had averaged 493,000 gpd and currently there were 428 EDU's available. She stated that she would be presenting a purchase order to council in the future for the purchase of 6 porta potties. She continued by stating that the Town had spent \$13,000 over the last 3 years in porta potty rentals and by purchasing our own and maintaining them, the Town would save a substantial amount of money. Discussion continued.

Electric Utility Director Tim Lawrence reported that the first set of outages and transfer of electric poles on Flower Street would be taking place on Wednesday the 16th and 8 customers would be affected. Notices have been sent out and would take about 6 hours to complete. He continued by stating on February 21st the contractor would be replacing warning devices at the power plant which sense overheating, the old service at the Wastewater Plant was removed last week and the new service was installed, the malfunctioning relay at the substation which caused the outage will be replaced the first week in March and relay testing will take place at the Power Plant on April 4th.

Economic and Community Development Director Michael Day reported that the Berlin events bookmarkers were out and described some of the new events that would be held in Town. Those events are the May Day Play Music Fest, Chesapeake Brass Band, Downtown Tindley Festival and the Haunted Hallway. Mr. Day continued in stating that a partnership between Main Street and Worcester County Tourism yielded a grant for \$9,000 for promotions in Southern Delaware, the DHCD received a \$20 million grant for energy retrofits and Berlin's Grow Berlin Green is teaming up with Main Street and

work with the DHCD to form Green teams to help implement these grants. Licenses for two new businesses, Coastal Hospice Thrift Store and John's Premium Cigars have been issued.

Town Administrator Tony Carson announced that a Shore Up representative would be at Town Hall on Thursdays beginning February 17th for customers who require energy assistance. He continued in reporting that the slot revenues should be deposited in our account somewhere between the 15th and 20th of each month. He asked for approval of 8 purchase orders (20110894, 20110985, 201101058, 20110198, 20111048, 20110408, 201101068 and 201101069). This report will be included as part of the minutes. Discussion continued. Councilmember Hall made a motion to approve all 8 purchase orders and council voted unanimously to approve 3-0.

Mayor Williams asked for comments from the council. There being none, Mayor Williams asked for questions from the public and the press. There being none, Councilmember Hall made a motion to adjourn and the meeting ended at 8:16 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sharon Timmons".

Sharon Timmons
Administrative Assistant

TOWN ADMINISTRATOR'S REPORT
2-28-11

Purchase Orders

PO# 201101063 in the amount of \$13,400.00 to Electrical Engineering Consulting and Testing for Power Plant Protective relay testing.

PO# 20111044 in the amount of \$2,200.00 to Capital Tristate Electrical Distributor for one Victorian Street light.

PO# 201101119 in the amount of \$3,319.35 to Water Testing Labs for testing of nitrates, lead and copper.

PO# 201101128 in the amount of \$1,341.00 to Feedwater Treatment Systems for chemicals.

PO# 20110938 in the amount of \$6,690.00 to Toth Distribution Service for brochure distribution.

PO# 201101160 in the amount of \$6,000.00 to future vendor for purchase of 6 porta potties.

PO# 201101194 in the amount of \$2,399.00 to Yoder Overhead Door Company for replacement of overhead garage door at Public Works building.

PO# 201101198 in the amount of \$2,130.00 to Stuart C Irby for 1000 ft of underground cable.

Updates